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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 THEODORE C. SNURE,

11 Petitioner,

12 vs.

13 WARDEN, *et al.*,

14 Respondents.
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) 3:11-cv-00344-ECR-RAM
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ORDER

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
17 by a Nevada state prisoner. By order filed May 16, 2011, the Court directed a response to the
18 petition. (ECF No. 3). Respondents filed a motion to dismiss on June 29, 2011, which is pending
19 before the Court. (ECF No. 6).

20 On July 14, 2011, petitioner filed a motion for an enlargement of time in which to file a
21 motion for the appointment of counsel, and also filed a motion for the appointment of counsel. (ECF
22 Nos. 11 & 12).

23 Regarding the motion for counsel, there is no constitutional right to appointed counsel for a
24 federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v.*
25 *Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally
26 discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023

1 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984).

2 However, counsel must be appointed if the complexities of the case are such that denial of counsel
3 would amount to a denial of due process, and where the petitioner is a person of such limited
4 education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also*
5 *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). The petition on file in this action is well-written
6 and sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case
7 are not complex. It does not appear that counsel is not justified in this instance. The motion for
8 appointment of counsel is denied. Moreover, the motion for an extension of time to file the motion
9 for counsel is denied as moot. The Court will, however, grant petitioner an extension of time to file
10 a response to the pending motion to dismiss, as set forth at the conclusion of this order.

11 **IT IS THEREFORE ORDERED** that petitioner's motion for the appointment of counsel
12 (ECF No. 11) is **DENIED**.

13 **IT IS FURTHER ORDERED** that petitioner's motion for an extension of time to file a
14 motion for the appointment of counsel (ECF No. 12) is **DENIED AS MOOT**.

15 **IT IS FURTHER ORDERED** that petitioner is granted **thirty (30) days** from the date of
16 entry of this order in which to file a response to the pending motion to dismiss the petition.

17 Dated this 15th day of July, 2011.

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19 UNITED STATES DISTRICT JUDGE